



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

FOR IMMEDIATE RELEASE
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COMMISSION PROPOSES STATUTORY MAXIMUM FINE OF \$495,000 AGAINST SUBSIDIARIES OF CLEAR CHANNEL COMMUNICATIONS, INC. FOR APPARENT MULTIPLE VIOLATIONS OF INDECENCY RULES

Washington, D.C. - Today, the Commission issued a Notice of Apparent Liability for Forfeiture against Clear Channel Communications, Inc., for apparently willfully broadcasting indecent material in connection with the "Howard Stern Show" program over Stations WBGG(FM), Fort Lauderdale, Florida, WTKS-FM, Cocoa Beach, Florida, WTFX-FM, Louisville, Kentucky, KIOZ(FM), San Diego, California, WNVE(FM), Honeoye Falls, New York, and WDXD-FM, Pittsburgh, Pennsylvania. The Commission proposed a total of \$495,000 in forfeitures against these Clear Channel stations, representing the maximum statutory amount of \$27,500 for each of eighteen total apparent indecency violations.

The Commission proposed imposition of a forfeiture for the maximum statutory amount because of parent Clear Channel's recent history of airing indecent programming.

The Commission concluded that the material in these broadcasts appeared to meet the agency's indecency definition. Specifically, the program materials included repeated, graphic and explicit sexual descriptions that were pandering, titillating or used to shock the audience.

Action by the Commission, April 7, 2004, Notice of Apparent Liability for Forfeiture (FCC 04-88). Chairman Powell and Commissioners Abernathy, Copps, Martin and Adelstein. Commissioners Copps and Adelstein issuing separate statements.

Enforcement Bureau contacts: Janice Wise at (202) 418-8165 and Lisa M. Fowlkes at (202) 418-7450.

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**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: Clear Channel Broadcasting Licenses, Inc., Licensee of Stations WBGG(FM), Fort Lauderdale, Florida, WTKS-FM, Cocoa Beach, Florida, and WTFX-FM, Louisville, Kentucky; Citicasters Licenses, L.P., Licensee, Stations KIOZ(FM), San Diego, California, and WNVE(FM), Honeoye Falls, New York; and Capstar TX Limited Partnership, Licensee of Station WDX-FM, Pittsburgh, Pennsylvania, Notice of Apparent Liability for Forfeiture

I have long advocated that the Commission use all of the tools it has to tackle indecency on the public's airwaves. Today's decision is a step forward towards imposing meaningful fines. For the first time, the Commission assesses a fine against more than a single utterance, rather than counting an entire program as one utterance. In addition, the Commission makes clear that its indecency enforcement will address not only the station that is the subject of a complaint, but also any other station that aired the same programming. I therefore vote to approve this decision.

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: Clear Channel Broadcasting Licenses, Inc., Licensee of Stations WBGG-FM, Fort Lauderdale, Florida, WTKS-FM, Cocoa Beach, Florida, WTFX-FM, Louisville, Kentucky; Citicasters Licenses, L.P., Licensee of Stations KIOZ(FM), San Diego, California, WNVE(FM), Honeoye Falls, New York; Capstar TX Limited Partnership, Licensee of Station WXDX-FM, Pittsburgh, Pennsylvania; Notice of Apparent Liability for Forfeiture

I support this Notice of Apparent Liability for the broadcast of indecent material at a time when children may be in the audience. By issuing this NAL, we step up to our responsibility to enforce statutory and regulatory provisions restricting broadcast indecency. For the first time, we impose fines based upon separate utterances. While this is not the most egregious case that I have seen, the material broadcast is indecent under our standards and the fines appropriately account for the violation of our rules.

Since I arrived at the Commission, we have greatly stepped up our enforcement against indecent broadcasts. I expect that stepped-up actions like those we take today will convince broadcasters that they cannot ignore their responsibility to serve the public interest and to avoid the broadcast of indecent material over the public airwaves.